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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INDEMNITY INSURANCE COMPANY
OF NORTH AMERICA,

Plaintiff,

- against -

FORWARD AIR, INC.;

Defendant.

Plaintiff, through its undersigned attorney, alleges as follows for its complaint against defendant:

1. Plaintiff Indemnity Insurance Company of North America is a corporation organized under the laws of, and with its principal place of business in, the state of Pennsylvania. Plaintiff maintains an office at 140 Broadway, New York, New York, and sues herein as subrogated insurer of the shipments in suit and for and on behalf of the shippers, consignees and owners of the cargo as their interests may appear.

2. Defendant Forward Air, Inc. is believed to be a corporation organized under the laws of, and with its principal place of business in, one of the fifty states.

3. This Court has jurisdiction over the subject matter to this action pursuant to 28 U.S.C. § 1331 as this action arises from the carriage of goods in interstate

commerce and is governed by federal statutes related thereto, including the Carmack Amendment to the Interstate Commerce Act of 1887 (“Carmack”), 49 U.S.C. § 11706. Concurrently there is pendent, ancillary and supplemental jurisdiction as to certain aspects of the claims in suit.

4. Upon information and belief defendant Forward Air Inc. at all material times conducted business as a common carrier of cargo for hire including carriage of shipments to, from and within the State of New York and is subject to the *in personam* jurisdiction of this Court.

5. This action involves loss and damage to the shipments described more fully in the annexed Schedules A, B, C, D, E, and F, which are incorporated herein by reference.

6. Said loss and damage was the result of defendant’s reckless failure to properly carry and care for the cargo in suit, and its breaches of fiduciary duties owed to the owners of the cargo.

7. By reason of the aforesaid, plaintiff, and those on whose behalf it sues, has sustained damages in the amount of \$33,657.45, no part of which has been paid although duly demanded.

8. Plaintiff sues herein on its own behalf and as agent and trustee for and on behalf of anyone else who may now have or hereafter acquire an interest in this action.

9. Plaintiff has performed all conditions precedent required of it under the premises.

SECOND CAUSE OF ACTION

10. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 9 of this complaint.

11. On or about the date of the respective bills of lading the shipments in suit were delivered in good order and condition into the custody and control of defendant for purposes of interstate carriage to the agreed destinations.

12. Defendant failed to deliver the cargo at the agreed destination in the same good order and condition. Instead the cargo sustained damage during interstate transport which rendered the shipments unfit for intended usage.

13. As a result of the aforesaid, defendant is liable to plaintiff as common carrier, forwarder, warehouseman, and/or bailee for hire.

WHEREFORE, plaintiff demands judgment against defendant Forward Air, Inc.:

- a) for the sum of \$33,657.45;
- b) for prejudgment interest at the rate of 9% per annum;
- c) for the costs of this action;
- d) for such other and further relief as this court deems proper and just.

Dated: New York, New York
May 16, 2007

LAW OFFICES,
DAVID L. MAZAROLI

s/David L. Mazaroli

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File Nos.: 6G-1341, 6G-1342, 6G-1343
6G-1405, 6G-1406 and 6G-1407

SCHEDULE A

Subrogated Insurer:	Indemnity Insurance Company of North America
Insured:	Express Solutions International
Claimant:	Blair Inc.
Waybill No.:	23407157
Dated:	September 23, 2005
Origin:	Springfield, VA
Destination:	Fort Worth, TX
Commodity:	Exhibit materials, including carpet
Claim Amount	\$7,141.64
Forward File:	47530
INAMAR File	JY05J17885-X
DLM File:	6G-1341

SCHEDULE B

Subrogated Insurer:	Indemnity Insurance Company of North America
Insured:	Associated Global Systems
Claimant:	Atlantic Skyline
Waybill No.:	21935827
Dated:	September 15, 2005
Origin:	New Hyde Park, NY
Destination:	Dulles, VA
Commodity:	Exhibition Booth
Claim Amount	\$5,358.00
Forward File:	47445
INAMAR File	JY06J001919-5
DLM File:	6G-1342

SCHEDULE C

Subrogated Insurer:	Indemnity Insurance Company of North America
Insured:	Unigroup, Inc.
Claimant:	Speedway Freight
Waybill No.:	23289298
Dated:	August 19, 2005
Origin:	Fenton, MO
Destination:	Los Angeles, CA
Commodity:	Electronics (Computers)
Claim Amount	\$5,605.00
Forward File:	48126
INAMAR File	JY05J018521-8
DLM File:	6G-1343

SCHEDULE D

Subrogated Insurer:	Indemnity Insurance Company of North America
Insured:	Associated Global Systems
Claimant:	Qwest Communications
Waybill No.:	23438998
Dated:	October 7, 2005
Origin:	Auroa, CO
Destination:	Atlanta, GA
Commodity:	Kiosk
Claim Amount	\$5,632.47
Forward File:	49428
INAMAR File	JY06J010377-4
DLM File:	6G-1405

SCHEDULE E

Subrogated Insurer:	Indemnity Insurance Company of North America
Insured:	Associated Global Systems
Claimant:	Qwest Communications
Waybill No.:	20185056
Dated:	September 22, 2005
Origin:	Atlanta, GA
Destination:	Denver, CO
Commodity:	Data Machine Parts
Claim Amount	\$5,695.96
Forward File:	49247
INAMAR File	JY06J010372-X
DLM File:	6G-1406

SCHEDULE F

Subrogated Insurer:	Indemnity Insurance Company of North America
Insured:	Associated Global Systems
Claimant:	Atlantic Skyline
Waybill No.:	24303458
Dated:	December 20, 2005
Origin:	Dulles, VA
Destination:	Las Vegas, NV
Commodity:	Exhibit Material
Claim Amount	\$4,224.38
Forward File:	49482
INAMAR File	JY06J009657-X
DLM File:	6G-1407